

REMARKS

In accordance with the foregoing, claims 1, 12, 14 and 15 have been amended. No new matter is being presented. Therefore, claims 1-6 and 9-15 are pending and reconsideration is respectively requested.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1-6 and 9-15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. However, the language of the claims that was questioned by the Examiner has been removed and replaced by language that clearly expresses aspects of the invention. Thus, this rejection is believed to be overcome.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-6 and 9-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi et al. (U.S. Patent 6,653,018). This rejection is overcome.

Regarding the rejections of claims 1, 12, 14 and 15, it is noted that these claims now generally recite that a thickness of the opening member in a direction perpendicular to the seal portion is less than a half of the width of the seal portion, such that, at a position of the seal portion where the opening member is disposed, a section of the seal portion that is at least as wide as the opening member is formed. Calling attention to the claimed relationship between the width of the seal portion and the thickness of the opening member, applicants note that this subject matter is not disclosed by the reference to Takahashi.

Indeed, with respect to the issue of the relationship between the width of the strip 23 and the seal portion 22 of Takahashi, applicants note that there are only a few instances where Takahashi even gives clues as to the widths or thicknesses of these features. One instance is the appearance of these features in FIG. 1. Here, the strip 23 is illustrated as being of the same width as the seal portion 22. As such, this could hardly be taken as an example of Takahashi disclosing the claimed invention.

The other instance is the section of Takahashi that is cited by the Examiner to support the Examiner's assertion that Takahashi discloses a seal portion width that is "less than the width of the seal portion" where the strip 23 is disposed. However, the cited section of the reference, column 16, lines 21-32, does not, in fact, provide any support for such a conclusion. Rather, that section, which specifically discloses one embodiment of the Takahashi device where the seal portions 22 were 8 mm wide and the strip 23 was 5 mm wide, discloses a device

that does not fall within the claimed range. Again, applicants note that the cited section of Takahashi represents another section of the reference that fails to disclose the claimed invention.

Thus, applicants respectfully assert that the claims, as amended, are patentably distinguished from the reference. Therefore, the rejections are overcome.

Regarding the rejections of claims 2-6, 9-11 and 13, it is noted that these claims depend from claims 1 and 12 and are allowable for at least the reasons as set forth above.

THE SUGGESTION THAT TAKAHASHI DISCLOSES THAT "THE SHAPE OF THE STRIP IS NOT CRITICAL" IS AN IMPROPER BASIS FOR THE CONCLUSION THAT TAKAHASHI TEACHES OR SUGGESTS THE CLAIMED INVENTION:

On page 5 of the Office Action, the Examiner notes that column 6, lines 37-50 of Takahashi states that the "shape of the strip is not critical," to support the allegation that even if Takahashi does not disclose an exact replica of the claimed opening member, Takahashi nevertheless teaches or suggests that the shape of the claimed opening member would have been obvious to a person skilled in the art.

Applicants responsive note that the current amendments to claims 1, 12, 14 and 15 render such a position moot since it is the width of the opening member and not its shape that is being claimed. Indeed, Takahashi never makes a single disclosure as to the width of the strip 23 other than that which is discussed above and shown to be insufficient as a basis for a *prima facie* rejection.

This is not an idle issue. Here, applicants refer to paragraph [0032]-[0036] of the specification, in which the specification specifically explains the relationship between the width of the opening member and that of the seal portion.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:



By:



Howard C. Levy
Registration No. 55,378

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510